

# **PLYMOUTH BOARD OF SELECTMEN**

**TUESDAY, JULY 11, 2017**

ALBA THOMPSON ROOM, TOWN HALL, 11 LINCOLN STREET, PLYMOUTH, MA – 7:00 PM

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## **7:00PM - CALL TO ORDER**

Ken Tavares, Chairman of the Board, called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Present:        Kenneth A. Tavares, Chairman  
                  Anthony F. Provenzano Jr, Vice Chairman  
                  John Mahoney  
                  Shelagh Joyce  
                  Betty Cavacco  
  
                  Melissa Arrighi, Town Manager  
                  Derek Brindisi, Assistant Town Manager

Ken Tavares, Chairman of the Board, acknowledged Melissa Arrighi, Town Manager, and wished her a very Happy Birthday.

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## **7:02PM – TOWN MANAGER’S REPORT**

Melissa Arrighi began her report by talking about the Water Expansion Project. She said the project includes two new water supply facilities and about 14 miles of new water mains. She also told the Board that this will include an elevated water storage tank. Ms. Arrighi went on to say the project would not begin until a subsequent Town Meeting but that you will see surveyors throughout the month of July.

Next, Ms. Arrighi talked about the Water Street Promenade Project. She said the project cannot be funded by the Town so they were looking into grants and fundraising. She said that they met with Town Counsel who provided them with the Ethics Commission’s opinion in regards to Town Staff exploring some fundraising options. She found it interesting that a municipality and public employees can solicit donations; however they cannot influence potential donators. Ms. Arrighi went on to say that they would be forming a fundraising team which would consist of herself, the DPW Director, the Chairman and Vice Chairman of the Board of Selectmen as well as a consultant from BETA Group.

Melissa Arrighi wanted to mention that the various paving schedules have been posted to the Town Website as well as Facebook and Twitter and referred the Board and the public to reference those sites for updated information.

Finally, the Town Manager touched upon the issue with the flashing traffic light at Samoset Street and Standish Avenue. The Department of Public Work submitted a request for a third turning lane which was unofficially denied. She said they did not like the idea of the lanes going from 12 feet wide to 10 feet wide. The DPW Director has requested a formal letter of denial along with some other options. Ms. Arrighi did say that after talking with MassDOT there is the slight possibility of having a Lead-Left Lag, which means eastbound traffic

turning onto Standish Avenue will have a longer green light and westbound traffic will have a longer red light in hopes of alleviating a lot of the backed up traffic coming from Route 3.

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**7:05PM – PUBLIC HEARING – Aquaculture Renewal for William Bennet**

Postponed to July 25, 2017

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**7:10PM – PUBLIC HEARING – Aquaculture Renewal for Eugene O'Shea**

Chairman Tavares opened the Public Hearing for the renewal of an Aquaculture License for Eugene O'Shea, 1584 State Road for an area within Plymouth Harbor as described by the following coordinates:

Northwest Corner	Northeast Corner
N 41° 59.28"	N 41° 59.256"
W 70° 40.456"	W 70° 40.405"
Southwest Corner	Southeast Corner
N 41° 59.197"	N 41° 59.162"
W 70° 40.511"	W 70° 40.462"

On a motion by Betty Cavacco and seconded by Anthony Provenzano Jr, the Board approved the renewal of an Aquaculture License for Eugene O'Shea as described above. *Voted 5/0*

Eugene O'Shea thanked the Board and the Town very much for what they have done for oyster farming in Plymouth. He said I love what I do and that he appreciates everything they have done to help him achieve that.

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**7:12PM – PUBLIC COMMENT**

Lawrence Winokur came up and just wanted to stress the fact that the lights at Samoset Street and Standish Avenue really are a big issue. He feels that if they turn those light back on to working order it will back traffic up to Route 3 especially during the busy summer months.

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**7:14PM - LICENSES AND ADMINISTRATIVE NOTES**

**LICENSES**

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for **EC Events Management** for a Comedy Show being held on July 27, 2017 from 6:00pm to 11:00pm at Studio G, 50 Shops at 5 Way. *Voted 5/0*

On a motion by Betty Cavacco and seconded by John Mahoney, the Board approved a Special License to sell Wine for **Plymouth Rock Wine LLC d/b/a Plymouth Bay Winery** for a Farmer's Market being held on Thursdays from 2:30pm to 6:30pm from June – October 2017 and from November 2017 to May 2018 at Plimoth Plantation. *Voted 5/0*

On a motion by Betty Cavacco and seconded by John Mahoney, the Board approved a Change of Manager for **Pepper Dining, Inc.** to Alison Marie DaSilva. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved a Pledge of Liquor License for **Portside Liquors IV Inc, d/b/a Portside Liquors** to Rockland Trust Company. *Voted 5/0*

#### ADMINISTRATIVE NOTES

On a motion by Shelagh Joyce and seconded by Anthony Provenzano Jr, the Board approved the **Open Meeting Minutes**, with minor changes as submitted by Selectman Joyce, for the following dates: May 30, 2017, June 20, 2017, and June 27, 2017. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board agreed to opened the **2017 Fall Town Meeting Warrant** beginning Tuesday, July 25, 2017 through Friday, August 11, 2017. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved and granted and Aquaculture license to Michael W. Withington of 3 Nook Road, Plymouth, MA for a term of three years commencing on July 12, 2017 and terminating on July 11, 2020 for use of a 4 acre area within Plymouth Harbor described by the following coordinates:

Northwest Corner  
N 41° 59' 14.51"  
W 70° 41' 12.44"

Northeast Corner  
N 41° 59' 16.65"  
W 70° 41' 11.02"

Southwest Corner  
N 41° 59' 10.57"  
W 70° 41' 4.459"

Southeast Corner  
N 41° 59' 12.451"  
W 70° 41' 2.479"

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board accepted a donation of an **American Elm Tree** valued at \$348.50 from Richard and Carla Garrison to the Department of Marine and Environmental Affairs to be planted within the Cul-de-Sac at the end of Willard Place. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved changing the Bylaws to **Ban the use of Charcoal Grills** in all public parks and beaches within the Town of Plymouth. Propane Grills shall remain permitted. *Voted 5/0*

On a motion by Betty Cavacco and seconded by Anthony Provenzano Jr, the Board approved standardizing **Parking Fees for Motor Homes** at Town Beaches to be \$30 per day, Monday through Sunday. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board agreed to Vacate a Seat on the **Cultural Council** due to extended absence without a formal resignation. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved the Transfer in the amount of \$80,000 to cover **FY17 Legal Expenses** in the Town Manager's Budget. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board granted Exclusive Vendor Rights to **Cultural Survival** for their Art Bazaar being held on July 22<sup>nd</sup> and 23<sup>rd</sup>, 2017 at Pilgrim Memorial State Park. *Voted 5/0*

On a motion by Shelagh Joyce and seconded by John Mahoney, the Board approved the Transfer in the amount of \$2,253.53 to cover unanticipated employee expenses in the **Procurement Budget**. *Voted 5/0*

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**7:19PM – PUBLIC HEARING – One Corner Lot LLC**

In accordance with Chapter 148 of the Massachusetts General Laws, as amended, notice is hereby given that a Public Hearing was held on July 11, 2017 at 7:15 pm in the Alba Thompson Meeting Room at the Plymouth Town Hall to consider the application from One Corner Lot LLC for a license to store 55,000 gallons of combustible gas in three underground storage tanks located at 22 Long Pond Road.

Chairman Tavares asked the applicant's attorney to come up and speak on behalf of his clients in this matter. Attorney Lawrence Winokur came up and said that they have already secured approval from the Zoning Board of Appeals with input from the Planning Board as well as Police and Fire. He said all of the requirements have been met and he asked the Board for their support on this license.

Selectman Joyce said she followed the Planning Board meetings and there were concerns about the large trucks coming in and out to deliver fuel. She then asked if this had been addressed, to which Mr. Winokur said yes, there would be raised concrete islands to direct the flow of traffic.

Selectman Mahoney asked if there was a construction timeline to which Mr. Winokur said its set to begin in early September and take about 20 weeks.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a license for Underground Fuel Storage for One Corner Lot LLC. *Voted 5/0*

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**7:24PM – PUBLIC HEARING – Transfer All Alcohol Package Store License – Portside**

In accordance with Chapter 138 of the Massachusetts General Laws, as amended, notice is hereby given that a Public Hearing will be held at Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts on Tuesday, July 11, 2017 at 7:20pm to consider the Application for the Transfer of an Annual All Alcohol Package Store License from Village Vineyards, Inc. d/b/a Vineyards Fine Wine and Spirits, 114 Colony Place, Randolph Morgan, Manager, to Portside Liquors IV Inc. d/b/a Portside Liquors, 114 Colony Place, Zeina Metri, Manager.

Christopher Menges, the attorney for Zeina Metri and Portside Liquors, came up and talked about his client's experience. He said they have a history of taking over unsuccessful package stores and turning them around. They have 20 years in the business and pride themselves on customer service. Mr. Menges went on to say they travel the world going to vineyards so they can come back and educate their customers. He went on to say at their other location in Pocasset the support their community, as well as police, fire and sporting events. He also said they started a program called "Sticker Shock" to deter people from buying underage kids alcohol.

Chairman Tavares acknowledged a letter of support received from Michael Blanton, a Selectman for the Town of Bourne, MA. He then opened the comments up to the public.

Steve Lydon came up and said that he has been to the applicant's package store in Pocasset and said it's a great place and that the staff was very professional and asked him for his ID.

Chairman Tavares then turned to the Board for questions and comments.

Selectman Mahoney that the prior owners of the package store at this particular location were there for seven years and couldn't make it work. He asked what made them think they could be successful with their package store in the same location.

Mr. Menges they specialize in taking failing package stores and turning them around. He went on to say their current location in Pocasset was failing and they came in and turned it around and made it a successful business. They spend time educating their customers.

Selectman Mahoney said that he will support this transfer and that he hopes they do make a go of it, but hopes they don't come back later on looking to profit from another transfer.

Selectman Provenzano said they will need every bit of their expertise as that has been a very competitive and difficult location, and he wished them well.

On a motion by Anthony Provenzano Jr and seconded by Shelagh Joyce, the Board approved the Transfer of an Annual All Alcohol Package Store License from Village Vineyards Fine Wine and Spirits to Portside Liquors. Voted 5/0

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## **7:35PM – DOG PARK PRESENTATION**

Gina Delaney came up and first apologized for not being at the last meeting. She then started out by saying this dog park is very important to Plymouth and its residents. She then introduced Jackie Howard.

Jackie Howard began the presentation by introducing the Board for the Friends of Plymouth Dog Park as the following:

Gina Delaney	President
Karyn Lessard	Vice President
Carriann Best	Treasurer
Carroll McStowe	Secretary
Christine Deckel	Graphic Designer
David Archibald	Promotions
Jackie Howard	Web/Communications

Ms. Howard said that they recently received their 501(c)(3) designation from the IRS this past April. She said now they can work on grants from the Stanton Foundation. She said these grants will cover up to 100% of the design costs and 90% of the construction cost. Ms. Howard said they are also raising funds to cover the remaining 10% of the construction costs. The presentation showed a slide of the conceptual design as well.

The next slide showed sponsors that have donated and/or assisted with their past and current events which were: Bark in the Park, Beer and Dogs IndieFerm, July 4<sup>th</sup> Parade, Waterfront Festival, Groom-a-Thon, Wishbones for Pets, Online Store and Holiday on the Green. Ms. Howard then said they were doing many of the same events this year and adding a few such as Paint for Pups and Dough for Dogs.

Jackie Howard finished by summing up their fund raising efforts and presented a list of ways to contact them and donate.

Chairman Tavares then turned the discussion over to the Board for questions and comments.

Betty Cavacco, Selectman, asked the Town Manager if we had applied for any grants as of yet, to which she said yes we filed for one but not the Stanton Foundation Grant.

Selectman Cavacco then asked if the Friends of Plymouth Dog Park could not raise the funds to cover the annual maintenance cost of \$15,000 per year, would the Town be responsible for that cost.

Melissa Arrighi, Town Manager, said that if those funds could not be met then we would have to close and dismantle the Dog Park, but we still need to sit down and go over that scenario before committing to anything.

Gina Delaney replied by saying our volunteers and our commitment are strong and we feel that we can raise the funds as well as maintain the park without issues.

Selectman Mahoney asked what the Timeline would be if we applied for the Stanton Foundation Grant tomorrow. Gina Delaney introduced Ben Fairbank, the designer, to reply. Mr. Fairbank said that we need to submit the grant application. Once we get confirmation that it has been accepted we then send in the actual design, and once they get that they will base the amount that they will fund on the design.

Selectman Mahoney said that he hopes that the Board has some input on the design as well as do a site visit. He said we need to do this right and protect the taxpayers against any costs.

Ben Fairbanks said that once the Dog Park is constructed there are capital improvement grants that can be applied for on an annual basis as well.

Selectman Cavacco asked once the grant application has been submitted, what is the time frame on the acceptance, to which Gina Delaney said it's hard to say but using Kingston, MA as an example it took about two months, adding that it is a rolling grant that has no deadline for application submission.

Anthony Provenzano Jr, Vice Chairman, asked if they have a ballpark guess as to what the final dollar amount would be if the grant covers 100% of the design cost and 90% of the construction cost.

Ben Fairbanks replied by saying if we again use Kingston, MA as an example it would be roughly \$15,000, which represents 10% of the construction costs.

Selectman Provenzano asked how much money has been raised to date, to which Gina Delaney replied by saying we have raised approximately \$14,000 towards that final cost.

Chairman Tavares then invited the public to come up and ask questions or make comments, not about whether it should be there, but specific to the presentation.

Steve Lydon came up first saying that he had a couple of questions but they were answered in the presentation. He went on to say he thinks the park will be great for Plymouth. He also added that he wouldn't mind if the Town had to pay a little to maintain it. He said that some residents have kids and some have dogs so we can spread the cost around.

Paul Souza came up next saying that he is an abutter and has watched people let their dogs run off-leash on the playing fields where the proposed park will be. He said his concern is that the park will have to be watched so that people use the gated park and stop using the ball field.

Richard Benson, also an abutter, came up and asked a few questions to clarify where the actual park was moved to, and Jackie Howard reiterated that it was moved up front near the entrance on the right hand side of the road as you pull in.

Chris Pickett, also an abutter, came up and wanted to clarify that the area that they have proposed to move the park is very hilly and the design in the presentation shows a very flat area and had concerns for how much the land would be affected.

Gina Delaney replied by saying that the area is very hilly which will not be changes other than one small area being leveled off to make it handicap accessible.

Melissa Arrighi reminded everyone that the location has been discussed, decided and voted on so she suggests once the design is complete to invite any concerned residents out to see the actual location with the proposed design.

Maryellen Benson came up next and had concerns about what the hours would be and if someone would be there to enforce the rules as there are many dogs currently running loose. She also had concerns about the gate, water supply, and electricity cost.

Gina Delaney said that dogs are loose at White Horse Beach and Nelson Park. She said that the park will be fenced in so the dogs will be contained. She also added that the hours will be from dawn to dusk daily. Ms. Delaney finished by saying that there is no need for electricity but we will be adding a portable water supply.

Chairman Tavares wanted to let the Town Manager know we need to have the Animal Control Officer patrol these areas more often to enforce the rules as having animals running loose is unacceptable.

David Archibald came up and said these concerns are valid but he encourages everyone to go to another town and visit a dog park. He added that funds are a concern but that they analyze every event and are learning as we go.

Chairman Tavares thanked them for the presentation and said that as things proceed the Board would appreciate updates every so often.

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## **8:20PM – SIMES HOUSE PRESENTATION**

John Moody came up to present the Simes House Management Plan and what would be needed to complete the transition. He began by giving a brief history of where the Simes House was and where it is today. He began by talking about the physical transformation with the addition of affordable housing units on the third floor, offices on the second floor and meeting rooms on the first floor. He then talked about the opportunities that those amenities offered. Mr. Moody then touched on the vision for Manomet Village and how the Simes House would tie into that. He said they felt that the location is ideal as it is in close proximity to several local businesses and would generate revenue for them. Next, he went over the financial plan and how they expected to fund the maintenance of the Simes House through revenue generated by the building itself as well as fund raising. Next, Mr. Moody went over

some of the challenges that they faced, one of which was zoning. He said it's crucial to change the zoning so they can get businesses into the office space. He finished by saying they hope to continue to get support from the Board of Selectmen.

Chairman Tavares thanked Mr. Moody and said this is one of the toughest buildings to manage so your commitment is important. He said you have a lot in front of you and your Board is seasoned in government so I think you have it laid out nicely. This is a big challenge and your presentation was very articulate, now we just need this zoning change.

Selectman Joyce said she sat in on several meetings and your presentation elaborated on many of the issues, however she said that some of the slides were very small and hard to read. Ms. Joyce also expressed her disappointment at not receiving the presentation in advance for the Board to review.

Selectman Mahoney said this seemed like all good news, then he asked if there was something going on at the Simes House this Saturday, to which John Moody said there is an official ribbon cutting ceremony and tours being hosted by the CPC.

Chairman Tavares said that hopefully some details will be addressed tomorrow before Saturday's events in regards to insurance and liability; otherwise it will be a short event. He then said we need to be creative depending on how the assessment comes in and we need to look at the original rationale for the use of the building.

John Moody said that the presentation does not include any tax payments to the Town but we have talked about a lease agreement or payment-in-lieu-of-taxes (PILOT)

Selectman Provenzano said that Mr. Moody and his Board did a great job and that they have a very daunting challenge in front of them. He went on to say that any zoning change recommended will be evaluated on its merits and it has to make sense. He finished by saying community support is critical.

Selectman Cavacco said zoning changes won't be easy. She went on to say she was concerned about their financial situation and asked if the CPC could help you out so you're not underwater from the start.

John Moody replied by saying no, that the CPC would not be able to give financial help with building operations.

Chairman Tavares asked John Moody if his Board was looking for a six month temporary agreement to which he said yes, we are.

Melissa Arrighi suggested awarding the bid with an exit clause pending the outcome of the zoning request, as the bid can be open ended.

Shelagh Joyce suggested waiting until the July 25, 2017 Selectmen Meeting to make a decision so we can go over the numbers from the presentation.

Melissa Arrighi said her only concern with a delay is we won't have the ability to give them an occupancy permit and securing the building will fall on the Town. We really want to be able to hand over the keys.

Chairman Tavares asked John Moody if they had the resources to begin right away, to which Mr. Moody said yes, we have cash to insure the building as well as a little extra to do whatever we need to do. It would also mean we could start to sign members up this Saturday.



On a motion by Anthony Provenzano Jr and seconded by Betty Cavacco, the Board agreed to have the Town enter into a Memorandum of Understanding with Manomet Village Common, Inc. based upon the RFP that was circulated and based on a Side Letter of Agreement which allows Manomet Village Common, Inc. to terminate the Agreement should the Town Meeting of Fall 2017 not approve the appropriate zoning changes. *Voted 4/1*  
*Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Cavacco-Yes, Joyce-Abstain*

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**9:11PM - COMMITTEE LIAISON / DESIGNEE UPDATES**

None

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**9:12PM - OLD BUSINESS / LETTERS / NEW BUSINESS**

Chairman Tavares wanted to thank the community, police, fire, DPW and Harbor Master for their hard work during the July 4<sup>th</sup> Celebrations. It was a safe and fun day. He said the July 4<sup>th</sup> Committee will be meeting at 8:00am tomorrow morning to start planning for next year.

Anthony Provenzano Jr also wanted to thank Chairman Tavares and his Committee for their hard work in planning this year's celebrations.

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**9:14PM - ADJOURNMENT**

On a motion by Betty Cavacco and seconded by Shelagh Joyce, the Board voted to adjourn the Open Session at 9:14pm. *Voted 5/0*

*By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Joyce-Yes, Cavacco-Yes*

**Recorded by:** Christopher Badot

*Administrative Assistant, Board of Selectmen*